

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 47-7457
Date Received: 12/27/1988
Receipt No: S005127
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

PATRICK J KUENY LIVIING TRUST Phone: (208)731-1006
19896 HWY 30
BUHL ID 83316

2. Date of Priority: 02/28/1978

3. Source: UNNAMED STREAM Trib. to: MUD CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	14E	27	SE NW SW	TWIN FALLS	

5. Description of diverting works:

PONDS, HEADGATE & DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
FISH PROPAGATION		1/01	12/31 15.76	

7. Total Quantity Appropriated is:
15.76 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	14E	27	NW	SW	FISH PROPAGATION	

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

See remarks for additional conditions of approval.

SOURCE KNOWN LOCALLY AS WILSON CK.
FACILITY VOLUME = 54,900 CUBIC FEET.

15. Basis of Claim: License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
47-13364	-	___	47-2126	-	___
47-7592	-	___			___
47-4017	-	___			___
47-7138	-	___			___
47-7457	-	___			___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

Gary Van Winkle

4. New Owner/Claimant(s)

Patrick J Ruery, Living Trust

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

19896 Hwy 30

City, State and ZIP Code

Buhl, ID 83316

New Telephone Number

(208) 731-1006

5. Date you acquired the property

May 1994

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. **Signature of New Owner(s) or Claimant(s)** _____
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

35 (453m)

WARRANTY DEED

For Value Received VALLEY INVESTMENTS, the Grantor, grants, bargains, sells, and conveys to PATRICK J. KUENY LIVING TRUST, the Grantee, of 178 Aero Camino, Santa Barbara, California 93117, the premises described on EXHIBIT A.

TO HAVE AND TO HOLD the premises, with their appurtenances to the Grantee and its heirs and assigns forever. The Grantor covenants to and with the Grantee, that the Grantor is the owner in fee simple of the premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated May 25, 1994.

VALLEY INVESTMENTS

By: Leon E. Smith, Jr.
LEON E. SMITH, JR.

By: Paul M. Beeks
PAUL M. BEEKS

STATE OF IDAHO)
County of Twin Falls.)

On May 25, 1994, before me, a Notary Public in and for said State, personally appeared LEON E. SMITH, JR. and PAUL M. BEEKS, known or identified to me to be one the partners in the partnership of VALLEY INVESTMENTS and the partners who subscribed the partnership name to the within instrument and acknowledged to me that they executed it in the partnership name.

Marta L. LeMay
Notary Public for Idaho
Commission Expires 9-19-98

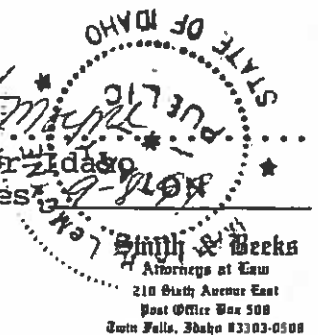


EXHIBIT "A"

Township 9 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho

Section 27: SW $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$

EXCEPT from said S $\frac{1}{2}$ SW $\frac{1}{4}$ three tracts of land which are bounded and described as follows:

(1) BEGINNING at the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 27;
THENCE South 1159 feet;
THENCE West 225 feet;
THENCE North 730.5 feet, more or less, to a certain diagonal fence;
THENCE in a Northwest direction to a point 554 feet due West of the PLACE OF BEGINNING;
THENCE East 554 feet to the PLACE OF BEGINNING.

(2) BEGINNING at a point 225 feet West and 246 feet North of the quarter corner common to Sections 27 and 34, Township 9 South, Range 14 E., B.M.;
THENCE West across a coulee a distance of 265 feet to a point marked with a Rock and cross thereon;
THENCE North 20°30' West back across Coulee A for a distance of 194 feet to a stone marked with a cross;
THENCE North 60°30' West 280 feet to a stone marked with a cross;
THENCE North 42°25' West 185 feet along the Northwest rim of said coulee to stone marked with a cross;
THENCE North 24°35' West along said rim rock a distance of 743 feet to a point on the North line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27;
THENCE East along North line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, a distance of 679 feet to a point which is 554 feet West of the Northeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27;
THENCE South 39°00' East 530 feet to a point;
THENCE South 720 feet to the POINT OF BEGINNING.

(3) COMMENCING at the Southeast Section corner of Section 27, Township 9 South, Range 14 E., B.M., Twin Falls County, Idaho
THENCE North 89°49' West, 4354.46 feet along the South boundary of said Section 27;
THENCE North 00°29' West, 25.00 feet to the Northerly right of way line of U.S. Highway 30, said point being the REAL POINT OF BEGINNING;
From this REAL POINT OF BEGINNING continuing North 00°29' West 520.53 feet;
THENCE North 89°49' West, 173.59 feet;
THENCE South 00°29' East, 520.53 feet;
THENCE South 89°49' East, 173.59 feet to the REAL POINT OF BEGINNING.

ALL SUBJECT TO: Twin Falls County Highway Right of Way

TWIN FALLS COUNTY, IDAHO
TITLEFACT, Inc.

ISSUED MAY 27 A.M. 1994

1994009614

TWIN FALLS COUNTY, IDAHO
TAX-CITY RECORDS

FEE: 600 DEPUTY: CF

227



CERTIFICATE OF ASSUMED BUSINESS NAME

Pursuant to Section 53-504, Idaho Code, the undersigned submits for filing a certificate of Assumed Business Name.

Please type or print legibly.

NOTE: See instructions on reverse before filing.

FILED EFFECTIVE

2004 SEP 22 AM 9:21
STATE OF IDAHO

1. The assumed business name which the undersigned use(s) in the transaction of business is:

VALLEY INVESTMENTS, a partnership

2. The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name:

Name

Complete Address

Leon E. Smith

1381 GALENA DR, TWIN FALLS ID 83301

Paul M. Beeks

516 BUTTE DR, TWIN FALLS ID 83301

3. The general type of business transacted under the assumed business name is:

- | | |
|---|--|
| ☐ Retail Trade | ☐ Transportation and Public Utilities |
| ☐ Wholesale Trade | ☐ Construction |
| ☐ Services | ☐ Agriculture |
| ☐ Manufacturing | ☐ Mining |
| ☒ Finance, Insurance, and Real Estate | |

4. The name and address to which future correspondence should be addressed:

VALLEY INVESTMENTS

PO BOX 508

TWIN FALLS ID 83303-0508

Submit Certificate of
Assumed Business
Name and \$25.00 fee to:

Secretary of State
700 West Jefferson
Basement West
PO Box 83720
Boise ID 83720-0080
208 334-2301

5. Name and address for this acknowledgment copy is (if other than # 4 above):

Phone number (optional):

208 733-6684

Secretary of State use only

Signature: _____

(signature required)

Printed Name: _____

Paul M. Beeks

Capacity/Title: _____

Partner

(see instruction # 8 on back of form)

1050304

IDAHO SECRETARY OF STATE
09/22/2004 05:00
CK: 2775 CT: 150010 RM: 767323
1 @ 25.00 = 25.00 ASSUM NAME # 2



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 30, 2006

PATRICK J KUENY LIVING TRUST
19896 HWY 30
BUHL ID 83316

Re: SRBA Claim #47-13364, #47-7592, #47-4017, #47-7138,
#47-7457, #47-2126

Dear Claimant,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the records of current ownership to you. Please find the enclosed copies of the computer records of the claims noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carrie Hahn', written over a horizontal line.

Carrie Hahn
Office Specialist

Enc.

08/30/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: See cover letter

Water right number: 47-7457

PATRICK J KUENY LIVIING TRUST
19896 HWY 30
BUHL ID 83316
Telephone Number: (208)731-1006

RECEIVED
NOV 06 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10/30/06

SIGNATURE:

Patrick J Kueny, Trustee

Please print your name:

Patrick J Kueny

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

08/30/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 47-7457

NAME AND ADDRESS: PATRICK J KUENY LIVING TRUST
19896 HWY 30
BUHL ID 83316

SOURCE: UNNAMED STREAM

TRIBUTARY: MUD CREEK

QUANTITY: 15.760 CFS

PRIORITY DATE: 02/28/1978

POINT OF DIVERSION:

T09S R14E S27 NENWSW Within TWIN FALLS County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

FISH PROPAGATION

01/01 12/31

15.760 CFS

PLACE OF USE:

FISH PROPAGATION Within TWIN FALLS County

T09S R14E S27

SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SOURCE KNOWN LOCALLY AS WILSON CK.

FACILITY VOLUME = 54,900 CUBIC FEET.

08/17/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 47-7457

NAME AND ADDRESS: GARY VAN WINKLE
PO BOX 663
BUHL ID 83316

SOURCE: UNNAMED STREAM

TRIBUTARY: MUD CREEK

QUANTITY: 15.760 CFS

PRIORITY DATE: 02/28/1978

VERIFIED BY: KKC

POINT OF DIVERSION:

T09S R14E S27 NENWSW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	01/01 12/31	15.760 CFS

PLACE OF USE: FISH PROPAGATION Within TWIN FALLS County

T09S R14E S27 SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SOURCE KNOWN LOCALLY AS WILSON CK.
FACILITY VOLUME = 54,900 CUBIC FEET.

RECOMMENDED PLACE OF USE FOR 47-7457



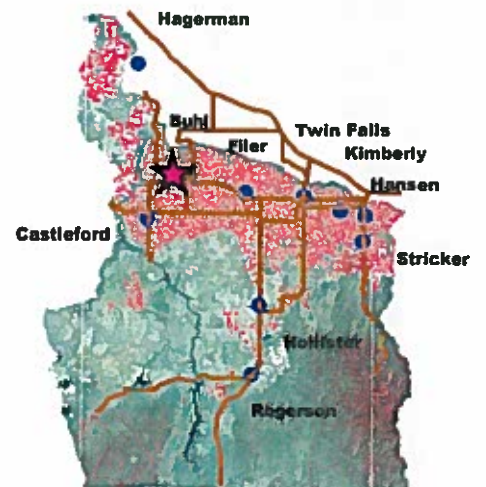
PLACE OF USE
TWP 9S, RNG 14E, SEC 27
Data entry on August 17, 2006

- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- TOWNSHIP LINES
- SECTION LINES
- QUARTER/QUARTER LINES



LOCATION IN BASIN

GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



Place Of Use Data



2004 aerial photo



Take a few photos of the ponds

Reviewer _____

85 steps
Date: _____
36 steps
photo
①

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A47-07457
Date Received: 12/27/1988
Receipt No: S005127
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY VAN WINKLE 208-543-6151
Address: P.O. BOX 663
BUHL, ID 83316
2. Date of Priority: FEB 28, 1978
3. Source: UNNAMED STREAM Trib. to: MUD CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	14E	27	SE	NW	SW		TWIN FALLS
5. Description of diverting works:
PONDS, HEADGATE & DITCHES.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	15.760		
7. Total Quantity Appropriated is:
15.760 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
H/8 PONDS
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	14E	27	NW	SW		FISH	
11. Place of use in counties: TWIN FALLS

A47-07457

Page 1

Date: 12/27/88

MICROFILMED
MAR 11 1993

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A47-04017, A47-07138

14. Remarks:
SOURCE KNOWN LOCALLY AS WILSON CK.
FACILITY VOLUME = 54,900 CUBIC FEET.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct. *JD*

Signature of Claimant(s): [Signature] Date: 12/27/88
Date: _____

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of December 19 88 Stuart

Notary Public

Residing at Twinn Falls
My Commission Expires Dec 2, 1994

A47-07457

Page 2

Date: 12/27/88

MICROFILMED

MAR 11 1993

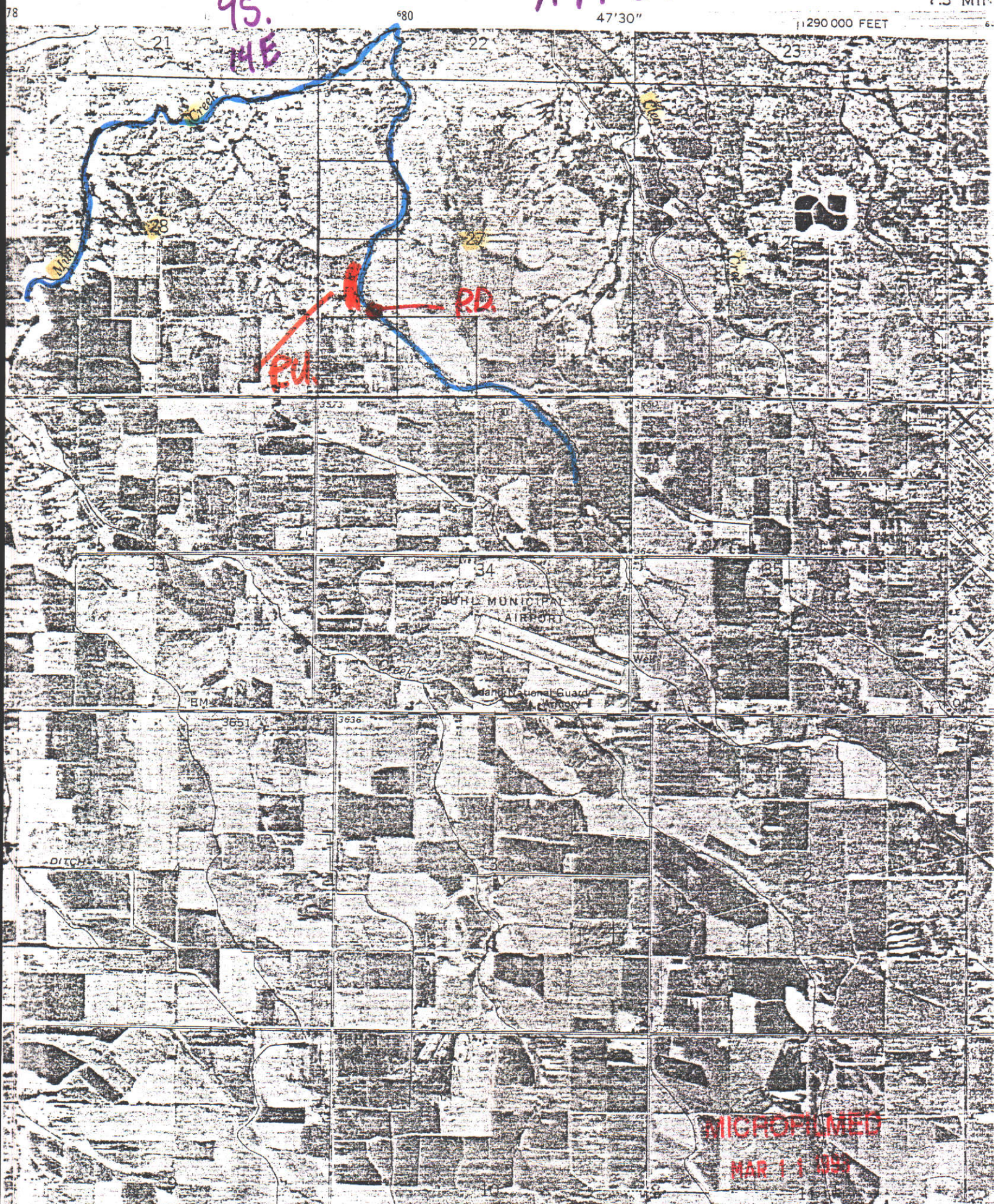
A47-07457

7.5 MIN.

47'30"

1:290 000 FEET

95.
HE



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF ID
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 3957

Ident. Number: A47-07459
Date Received: 12/07/1988
Receipt No: S004287
Received By: aw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EVAN COX
Address: RT. 3
BUHL, ID 83316
208-543-4850
2. Date of Priority: MAR 01, 1978
3. Source: DEEP CREEK Trib. to: SNAKE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	14E	32	NE	SW			TWIN FALLS
5. Description of diverting works:
HEADGATE, DITCH & PONDS.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	20.970		
7. Total Quantity Appropriated is:
20.970 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
H/6 CONCRETE RACEWAYS
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	32	NE	SW		FISH	
11. Place of use in counties: TWIN FALLS

MICROFILMED
MAR 11 1993

